IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO.60 OF 2005

IN

CONTEMPT PETITION NO.99 OF 2003

IN

NOTICE OF MOTION NO. 2858 OF 2003

IN

SUIT NO.2297 OF 1991

ASHFAQUE UL HAQUE KHAN ABDUL
HAQUE KHAN & ORS. ... PETITIONERS.

VS.

SATTAR DAWOOD SHAIKH & ORS. ... RESPONDENTS.

MS. MILI THAKKAR I/B. GORDHANDAS & FOZDAR FOR PETITIONERS.

MR. J.B.MISHRA FOR THE RESPONDENT NOS. 1 TO 6.

MR. A.V.SAKHARE, SR. ADVOATE I/B. S.H.UJJANWALA FOR THE RESPONDENT NOS. 8 TO 16.

Coram : S.K.Shah, J.

Date : February 10, 2006.

P.C.

1. The Petitioner is alleging that the Respondents have committed contempt of the Order passed by this Court in Contempt Petition NO. 99 of 2003 on 15th April, 2004. By this Order, this Court directed the corporation to undertake enquiry as to whether any demolition and/or new construction on the suit property or extending of suit structure standing on the properyhad been effected after 19th July, 1994. It is further directed that if that finding is reached by the corporation, the corporation may be well advised to take necessary steps to remedy the mischief, as may be permissible by the Municiipal Law. The Order furher directs that this entire procedure be completed within four weeks from the date of the Order.

2. The learned Cunsel for the Corporation submits that they have identified four structures and action is taken pursuant to the Order.

3. The learned Counsel for the Petitioner submits that two tile shed structure was constructed after 19th July, 1994. However, the corporation has not taken cognizance thereof. Therefore, according to the petitioner, the Corporation has committed contempt.

4. It, however, appears that affidavit filed in

compliance with the Order dated 15 April, 2004, was placed before this Court in Contempt Petition No. 99 of 2003 and this Court, by Order dated 29th July, 1994 accepted the same and the contempt petition was disposed of. Apperantely it means that the present grievance, which the petitioner wants to make was not made before the Court in contempt petition No.99 of 2003. Therefore, there is no question of contempt having been committed of the Order passed by this Court. If the Petitioner had any grievancce about any structure , the learned Counsel for the Corporation submits that they would look into it and take whatever steps are necessary as per the law.

5. Under the circumstances, the contempt petition stands disposed of.

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[S.K.Shah , J.]